



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बोरवार, १५ दिसम्बर, १९६६/२४ अग्रहायण, १८८८

GOVERNMENT OF HIMACHAL PRADESH

FOREST DEPARTMENT

NOTIFICATION

Simla-4, the 25th August, 1966

No. Ft. 162-1/61-II(M).—In exercise of the powers conferred by section 76 of the Indian Forest Act, 1927, the Lieutenant Governor, Himachal Pradesh is pleased to make the following rules namely:—

THE HIMACHAL PRADESH FOREST (SETTLEMENT) RULES, 1966

PART I

PRELIMINARY

1. *Short title and repeal.*—(1) These rules may be called the Himachal Pradesh Forest (Settlement) Rules, 1966.

(2) All rules corresponding to or covered by these rules shall stand repealed.

2. *Definition.*—In these rules, unless the context required otherwise:—

(1) "Act" means the Indian Forest Act, 1927,

(2) "Form" means a form appended to these rules, and

(3) "Forest Settlement Officer" means Collector, Forest Department, Himachal Pradesh and includes an officer appointed as such under rules of these rules.

3. *Control of the Chief Conservator over Forest Settlement.*—Forest Settlement is concerned with the constitution of Government forests and waste lands into Reserve and Protected Forest in accordance with the procedure laid down in Chapters II and IV of the Act. The administrative control over Forest Settlement will vest in the Chief Conservator of Forests. The preliminary demarcation of forest boundaries will be carried out under his directions.

4. *Appointment of Forest Settlement Officers and their jurisdiction.*—
(i) For the purpose of Forest Settlement the Government may appoint as many Forest Settlement Officers as it may deem necessary. These officers shall ordinarily be persons not holding any forest office except that of Forest Settlement Officer and will be drawn from the State Civil Service.

(ii) The jurisdiction of Forest Settlement Officers will be decided by the Government on the recommendation of the Chief Conservator of Forests.

PART II

DEMARICATION AND SURVEY

5. (i) The State Government may at any time declare as Reserved Forest and any forest land or waste land which is the property of Government or over which the Government has proprietary rights or to the whole or any part of the forest produce of which the Government is entitled.

(ii) Proposal for issuing a notification under section 4 of the Act will be submitted to the Government by the Chief Conservator of Forest.

(iii) The notification under section 4 shall be in the Form 'A'.

6. *Preliminary demarcation.*—(i) After a notification under section 4 is issued the area should be demarcated by fixing temporary cairns or pillars or such other marks as may be convenient. Such cairns, pillars or any other marks should be visible, one from the other.

(ii) The preliminary demarcation need not necessarily be of so permanent a character as the final demarcation, but it should be a definite and continuous line sufficient to show to the Forest Settlement Officer and the villagers concerned where and how it runs.

(iii) The forest boundary pillars will mark the actual limits of the reserve and should be placed on the outer edge of the boundary line.

(iv) The demarcation of forests will be carried out by the Forest Department. The boundary marks will be maintained properly till the preliminary inquiry is completed and are replaced by suitable boundary pillars. The erection of boundary pillars will be got done by the Divisional Forest Officer of the division and it will be the duty of the Forest Department to look after and maintain them properly.

(v) The boundary pillars will generally be of dry stone masonry of such size and specifications as may be prescribed by the Conservator of Forests of the circle keeping in view the local conditions and availability of material.

All pillars should bear a serial number. The numbering of the pillars should be clockwise.

(vi) The boundary description should be given in one of the following two forms:—

Description form.—From pillar No. 1 situated on a spur by straight line from pillar to pillar No. 38 on the bank of a nullah. Thence along the western side of the nullah to pillar No. 39 on a ridge etc. back to pillar No. 1.

Tabular form.—Pillar No. 1 to pillar No. 2, 10 Karams westward or north-easterly direction.

Pillar No. 2 to pillar No. 3, 10 Karams westward or north easterly direction.

Note.—If lengths are measured in Karams the length of the Karam must be specified.

7. The demarcation or survey of forest boundaries will be undertaken on Patwar or Forest Survey maps. For this purpose the Forest Settlement Officer will arrange to get the tracings of the latest settlement map of the village having said reserve or from the original survey sheet and proceed with

the work of demarcation or survey as the case may be by taking compact areas.

The Patwari will first proceed to the village in north-west of the forest and start work with the help of neighbouring 'Mustkil' points viz., wells, boundary pillars, *Mustkil* paths and survey the former boundary by preparing the field book. He will plot the days work every day and the Forest Kanungo in his weekly inspection, will check the work on the traces. The details of the boundary lines with regard to the checking will be recorded in the Inspection Book. The Patwari, Pradhan, Gram Panchayat or the village Lambardar and the Forest Guard will also remain with the Forest Patwari. The Forest Naib-Tehsildar will not ink the line of dispute and will report such cases to the Forest Settlement Officer. On receipt of his final order the disputed line will be inked. The record work will be done during the rainy season or in any other season keeping in view the climatic conditions of the area.

In unsurveyed areas where survey also has been undertaken the Patwari will prepare the *Sarhadi* register of the forest as per Form 'I' which will also be checked by the Forest Naib-Tehsildar, the Tehsildar and the Forest Settlement Officer at the time of their respective inspections of the forest.

PART III

COMPILATION OF RECORD

8. (a) The following records will be prepared for every forest:—

- (i) Village-wise Khasra of the forest as given in Form 'B'.
- (ii) A general statement as given in Form 'C'.
- (iii) A list of ways and paths open to public throughout the year vide Form 'D'.
- (iv) A list of temples open to public for worship vide Form 'E'.

(b) All these papers will be signed by the Forest Settlement Officer. The Forest Settlement Officer will finalise the inquiry and in case of the Reserved Forest submit a draft for final notification as required under section 20 of the Act. The summary report will be drawn in Form 'F'.

(c) After publication of the final notification in the Official Gazette, the Forest Settlement Officer will arrange to send a copy of the village map along with a list of Khasra numbers included in the Reserved or Protected Forest and the statement of rights and concessions admitted therein to the Divisional Forest Officer and the District Collector for making necessary entries in the Revenue Records. On the expiry of a period of one year from the date of final notification, the records will be deposited with the District Collector concerned.

(d) The final notification shall be in the Form 'G'.

CASE WORK

9. (a) *Files*.—There will be a general file for every forest and separate files for each village for which claims are filed by persons in their joint or individual capacity.

General forest file will contain the following papers:—

- (i) The title page.
- (ii) Order sheet.
- (iii) A copy of the Government notification under section 4 of the Indian Forest Act.
- (iv) The boundary description prepared.
- (v) The letter of authority from the Divisional Forest Officer.
- (vi) A copy of the proclamation under section 6.

- (vii) A consolidated sketch map of the forest.
- (viii) A consolidated village-wise Khasra of the forest
- (ix) A list of ways and paths open to the public.
- (x) A list of temples.
- (xi) A list of boundary pillars.
- (xii) Acknowledgement from the Range Officer that alteration made in the preliminary boundary have been explained to him.
- (xiii) A summary of proceedings giving the gist of the claims preferred and admitted or rejected.
- (xiv) A copy of the Draft Final Notification alongwith boundary description and Schedules of concessions and rights admitted.

The village file will contain the following papers:—

- (i) Title page.
- (ii) Copy of proclamation duly served.
- (iii) Complaint or claim preferred in writing or orally.
- (iv) Written statement or reply of the Forest Department.
- (v) Evidence adduced.
- (vi) Order sheet and decision.
- (vii) A tracing of the revenue map of the village showing the forest boundary line.
- (viii) Miscellaneous papers.

(b) *Registers*.—Two separate registers 'A' and 'B' will be maintained in the prescribed form as shown in the Form 'H'.

10. Procedure for drafting final notification under section 20 of the Act:—

- (a) When all the claims preferred by the villagers have been inquired into and decided and the limitation period prescribed under section 17 of the Act is over, the Forest Settlement Officer will take up the draft of the final notification under section 20 of the Act which will be drawn separately.
 - (i) Where no claims (neither rights nor concessions) have been admitted.
 - (ii) Where claims (rights) have been admitted.
 - (iii) Where concessions only have been admitted.
 - (iv) Where both rights and concessions have been admitted.
- (b) These drafts will be accompanied by the abstract lists of rights and concessions as per annexures attached to the Form 'G'.

PART IV

INVESTIGATION OF CLAIMS

11. *Data to be collected by Forest Settlement Officer*.—(i) After publication of a notification under section 4 of the Act, the Forest Settlement Officer will collect the following information with the assistance of the Divisional Forest Officer:—

- (a) Sketch map of the forest illustrating the demarcation line.
- (b) A description of the boundary.
- (c) Proclamation by the Forest Settlement Officer.

The first step to be taken by the Forest Settlement Officer is the publication of a proclamation under section 6 of the Act as given in Form 'J' specifying the situation and limits of the proposed Reserved as published in the Official Gazette, explaining the consequences which will ensue on the reservation of the forest and requiring all persons claiming any rights in or over such forests, to specify within the prescribed period either in writing or

verbally the nature of such rights and the amount and the particulars of the compensation (if any) claimed in respect thereof. A period of at least three months from the date of publication of the proclamation must be allowed for the presentation of claims and the proclamation must be published in Hindi and posted in every town and village in the vicinity of the proposed reserve forest and it will also be done by beat of drum or in any other manner convenient. Copies of the proclamation should be sent to the Divisional Forest Officer, Tehsildar and the President of the Gram Panchayat concerned and copies of the acknowledgement of the receipt of such proclamation will be placed in the village file. The Forest Settlement Officer should, moreover, not only publish and distribute the proclamation as above, but also explain its meaning at every convenient opportunity to the villagers concerned.

12. Inquiry by the Forest Settlement Officer.—(a) As soon as practicable after issue of the proclamation, the Forest Settlement Officer should visit the villages in the neighbourhood of the proposed Reserve Forest. He should inspect as much as possible of it and afford the people likely to be affected by the proposed reservation, full opportunity for putting forward their claims on the spot.

(b) The Forest Settlement Officer is bound by law to take down writing all statements of the claims made under section 6 of the Act and to enquire into the same; and even in the case of practices not actually brought to his notice, under section 6, it will be his duty to ascertain all that may be ascertainable on the subject from the records of the Administration and the evidence of the persons likely to be acquainted with the same and to deal with such practices as if the claims thereto had been formerly preferred under section 6.

The inquiry should consequently not be confined to merely recording evidence produced by claimants or by the Forest Officer. The Forest Settlement Officer should himself call for and examine any person whom he may think likely to have knowledge of the facts. The Forest Settlement Officer is responsible for seeking that every claim which he admits is absolutely clear and definite.

(c) Under section 8, the Forest Settlement Officer has the power of a civil court in the trial of suits for which he can summon witnesses and require the production of documents, etc. It is his duty to ascertain the facts and he is bound to enquire not only into claims put forward but also into the existence of any right or practice, though no formal claim may have been presented under section 6 of the Act. In short, it is the business of the Forest Settlement Officer to ascertain by full and careful inquiry, the actual state of things, the manner in which the reservation, if carried out, will affect the people in the neighbourhood, the rights to which they are already legally entitled, and the concessions which it is desirable for the Government to extend to them in future. It must, however, be clearly understood here that as Forest Settlement Officer framing a record of legally established rights, he has no power to confer by entry in the record any rights, which have not been satisfactorily established as existent merely because he thinks it expedient to grant them. But, on the other hand, he is bound to express fully in reporting his operations to the Government his opinion and advice as to any practices which though not satisfactorily proved are found to be existing and which he may think it advisable to sanction as of rights or as merely terminable concessions in the interests of the people. The record of the Forest Settlement Officer must thus deal with legally established rights only. He must leave it to the Government to decide, later on, that additional burdens, in the shape of

non-established rights or mere terminable concessions, it is desirable to impose on the forest in the interest of the people.

(d) When claimants appear in person and make verbal statement of their claims the Forest Settlement Officer shall record the substance of their statements. Written statements must be stamped in accordance with the Court Fees Act.

(e) Copies of evidence or documents filed and of the decisions recorded by the Forest Settlement Officer may be granted to claimants under the rules. Such copies must be stamped under the Court Fees Act.

(f) Claims on behalf of a family may be presented by any member of that family; on behalf of a tribe or community by any member of the tribe or community; on behalf of joint claimants by any one of the joint claimants and on behalf of a village by the headman of the village. Otherwise all claimants must arrange to represent themselves.

(g) The Forest Settlement Officer may, at any time, join any number of claims, provided they all relate to the same proposed reserve, in order to hold a common inquiry, or he may sever any claims joint or jointly made in order to hold separate inquiries at his discretion. It shall not be necessary to take evidence a second time when such an evidence has already been recorded in an earlier inquiry relating to another claim. But if, in deciding upon the claim of any person, the Forest Settlement Officer admits a previously recorded evidence, or recites a previous decision in disposing of a case, the person whose claim is thus treated shall be entitled to obtain a copy of such previous evidence, documents or decision, as if it had been recorded during the inquiry into his own claim.

(h) Claimants may employ a legal practitioner or other person to appear on their behalf. In such case the Forest Settlement Officer will require the production of the usual stamped authority.

(i) The Forest Settlement Officer shall examine claimants and witnesses upon oath or solemn affirmation. Process fees according to the scale laid down for courts of the Collectors under the Himachal Pradesh Land Revenue Act shall be required from claimants (but not from the Forest Officer attending the inquiry), if application is made to compel the attendance of witnesses or the production of documents.

(j) The Forest Officer attending the inquiry shall have powers similar to those of a defendant in a civil suit. He may cross-examine witnesses, may produce evidence to rebut claims, and may comment on any documents or evidence, and no court fees shall be required of him. If he desires to prefer an appeal against any decision, the Forest Settlement Officer shall give him duly certified copy of such decision and will meet the cost from the contingencies of the Forest Settlement Budget.

(k) The Forest Settlement Officer shall give reasonable notice to the Divisional Forest Officer of the dates fixed by him for inquiry into claims. If the Divisional Forest Officer is himself unable to attend on those occasions or to depute a suitable representative in his place, he may forward to the Forest Settlement Officer any statement he may wish to make in writing with any documents he may wish to put in. He may in such cases, if he so desires depute a subordinate to explain if necessary, the statement submitted by him. The Forest Settlement Officer shall as far as may be convenient meet the wishes of the Forest Department by adjourning inquiries to give time to consult the Conservator or the Chief Conservator.

(l) The views of the Deputy Commissioner in cases regarding land (the

claims to which are being investigated under section 11 of the Act) or of the Conservator on any question which may arise, should be placed before the Forest Settlement Officer by the Divisional Forest Officer in the form of a written note. Such written note shall be read aloud and shall form part of the record and shall be explained to the claimants in their vernacular language if they do not understand English.

13. (a) The claims on which the Forest Settlement Officer will have to adjudicate will usually be of two classes:—

(i) claims to land.

(ii) claims to rights of the nature of easements, specified in section 12 of the Act.

(b) He will record the evidence and decide on the claim in each case in the manner prescribed by the Code of Civil Procedure to be followed in appealable cases. He will also maintain two registers (A & B) as prescribed in Form 'H' and will enter in the former all claims as they are received and in the latter all claims as they are disposed of. Register 'B' or fair signed copy thereof must, upon the completion of the operations be forwarded to the Government through the Chief Conservator of Forests with the draft notification under section 20 of the Act together with (1) an abstract statement of admitted claims (for publication in the Gazette) in the Form 'G' (or such corresponding form as the special conditions of the case will admit); (2) a summary report of the Forest Settlement Officer's proceedings, which should contain his recommendations, if any, for sanctioning, as of privilege, the continuance of practices which although not claimable as of right and consequently not entered in the abstract as admitted rights, are in the opinion of the Forest Settlement Officer advisable in the interest of the welfare of the people (such concessions should be indicated by the letter 'C' in the abstract); (3) the boundary map or tracing of the proposed reserve with a detailed description of the same showing in a clear and un-mistakable manner the boundaries of the reserve as ultimately adopted by him and specified in his final draft notification under section 20 of the Act.

(c) When a claim comes partly under section 11 and partly under section 12 of the Act, the Forest Settlement Officer will separate those parts of it which fall under section 11 from those which fall under section 12 and will enter them in his register as distinct claims.

(d) In cases in which appeals are preferred against his decisions the Forest Settlement Officer will obtain copies of the appellate decisions, which should form part of the settlement record.

A brief abstract of each appellate judgement should also be prepared and entered in the appropriate column of register 'B' reference being made in the 'remarks' column to the number and date of such judgement.

14. When the Forest Settlement Officer has admitted a claim the Forest Officer attending the inquiry or failing such, the Divisional Forest Officer will state which among the courses provided in section 10(1), 11, 15 and 16 of the Act it is desirable to follow and may apply for an adjournment to enable him to take advice of his superior authority before doing so. The Forest Settlement Officer will hear the claimant whose claim has been admitted before deciding what action he will take in the matter.

15. The grant under section 10(1), 11, 15 and 16 of the Act by the Forest Settlement Officer of unreserved land or of rights over such land in exchange for land or in commutation of rights admitted in a reserved forest, would require the concurrence of the Deputy Commissioner, while the grant from reserved forests or rights over it requires the sanction of the Government.

16. When the Forest Settlement Officer acts under section 16 and commutes a right of pasture or of forest produce by a grant of money or land such commutation shall ordinarily be calculated as follows:—

- (a) If in money, at 20 years purchase of the annual value of the right as ascertained by the Forest Settlement Officer.
- (b) If paid for in land, the assessment of the land should be equal to the annual value of the commuted right as estimated by the Forest Settlement Officer.

PART V

DETERMINATION OF RIGHTS AND CONCESSIONS

17. Rights are those claims which are supported by documentary evidence such as *Sanad Patta* or an entry into the official-record. The rest will be treated as Concessions. Concessions are terminable as and when found necessary by the Government. While dealing with the claims made, it will be found that they will be one or other of the following kinds:—

A claim to whole land itself or (more likely one or more plots of land within the proposed forest—In such a case the claim likely to be put forward is to be the ownership of the land itself or some part of it. If the claim should affect the whole of the proposed forest or greater part of it, it would follow that the proposal to create forest estate under the Act could not be carried out; the proceedings would then be closed on decision going in favour of the claimant, unless indeed it is some special case in which the forest is on public ground, so desirable, that Government will be justified in declaring public untily and proceeding to acquire the estate under the Land Acquisition Act.

In such a case the Forest Settlement Officer will send his report to the Chief Conservator of Forests informing him that on the ground mentioned in his decision it is not possible to constitute a forest estate of the block.

Generally what happens is that one (or many plots) inside the forest block are either claimed under proprietary right or tenancy right or as *Charagaha* earmarked for the village cattle. If the claim is allowed then either:

- (1) it will be bought out by consent or acquired under the Land Acquisition Act, if the Divisional Forest Officer makes a move that it would be in the interest of Forest Conservation to do so, or
- (2) will be exchanged for some other suitable piece of land, or
- (3) will be excluded from the forest boundary, if this can conveniently be done, or
- (4) will be let alone in such a case the plot or plots would be shown by interior lines both on the map as well as on the spot.

Sometimes, small plots are cleared and cultivation established without proper authority. If the case is shown to be one of un-authorised clearing or a case of squatting with no equitable title the claim would be disallowed.

Claims to a right of the class which does not involve taking produce from the estate e.g., a right of way, cattle-drive, a right to have a water course (canal out or drain channel) across the land, a right to have access to or use of water such as a spring for house-hold purpose or cattle watering or to worship at a temple and to hold *Mela* within the forest limit as these being mostly, 'Necessary Rights' their record and description is all that is possible and needful.

In case of right of way, it should be specially recorded whether it is for a private person or a whole village or people at large. It will also be desirable

to specify whether it is a way for passage of human beings for driving cattle or for taking cart along; and in such case it may be desirable to record the width of the way allowed.

In case of right to water course or drainage, particulars (in case of a canal or ditch) such as regards access for purpose of clearing, or deposit of the silt cleared out or the like; as well as the width of channel and its necessary margin or bank space should be recorded.

In case of right to use water where a spring or pool in the forest is main place which neighbouring cattle can get water at, or at which house-hold water can be obtained; should be recorded as a right of necessity. As far as possible, if such places are near the edge of the forest, they may be excluded from proposed forest by altering its boundary unless these are the only places where wild animals come to drink water which necessitates the inclusion of such spots in the forest boundary for the purpose of saving the wild life from destruction.

Claims to right of worship and right to holding *Mela* are of necessity and should be recognised as such. In case of right of holding *Mela* the dates and the places should be specified.

A claim to practice of shifting cultivation.—The procedure provided under section 10 is in detail and should be followed.

Rights in the nature of easement or otherwise which involve taking some produce or part of the estate e.g., to dig clay lime stone, to cut turf or sods, to burn lime or charcoal, to extract *chilgoza* to cut grass, to pasture cattle, to cut wood and in fact every class of the well-known forest rights or easements may be of the following forms:—

(1) *Rights to wood:*

- (i) for residential buildings and cattle sheds;
- (ii) for industry and agricultural purposes;
- (iii) for fuel (Brush wood, billet-wood dead-wood, torches)
- (iv) for fencing.

(i) *Wood for residential buildings and cattle sheds.*—For this, reference has always to be made to the usual style of building in the locality and there is never any need to allow the best or costly woods for indoor or other work where an inferior timber will do. The quantity cannot always be prescribed. The intervals at which wood may be demanded will be fixed with reference to the number of years each kind of building will ordinarily last. The quantum of this right will be fixed for well defined tracts in consultation with the Divisional Forest Officer of the area and keeping in view the various local conditions and usages.

(ii) *Wood for industrial and agricultural purposes.*—In Himachal Pradesh, the right to wood for industrial purposes does not exist. For agricultural purposes wood from forests is generally extracted either as a matter of right or as concession and in all such cases, it will be found that there are customary kinds and sizes of wood used for particular purposes and can easily be prescribed to the satisfaction of all parties. The extent in terms of cubic feet of wood required for agricultural purposes, can be determined on the basis of number of ploughs.

A complete plough requires about one cubic feet and so far as other implements of agriculture are concerned, the quantity and kind of wood differs from place to place and has to be assessed according to local conditions of the area. These concessions should not exceed the limit of 3 ploughs per family.

(iii) *Wood for fuel*.—Normally the right is confined to the removal of brush wood, dry fallen wood of trees subject to availability. Trunks of fallen trees of valuable species and useful timber are not taken, although branches can be removed. This right is exercised to meet bona fide domestic purposes as fuel wood is seldom sold in villages. In rare cases where fuel wood can be taken away for sale, a clear mention of the same and its extent shall be recorded.

(iv) *Fencing*.—Thorny-bushes and twigs, such as of *Ber* (*Zizybus jujuba*), *Karaunda* (*Carissa opaca*) and *Kashmal* (*Berberis* spp.) are taken by cultivators for fencing fields or cowsheds. It is not practicable to fix any quantity for it. This depends upon the availability of the material and the extent to which fencing is necessary.

(2) *Rights of pasture or grazing*.—This right may be of two kinds (1) Right of the adjoining villages or local right holders and (2) that of migratory herds. Grazing facilities are allowed mainly for bulls, oxen, cow and buffaloes. There is no direct prohibition of the grazing of goats, sheep and camels, but since these are destructive to the forest, their numbers be restricted as far as possible. Mules, horses, donkeys, are not common and they may be treated on the same footing as cows and buffaloes.

The maximum number and kind of cattle admitted to graze must always be specific and estimated at the rate of 2 acres per cow and four acres per buffalo. In barren areas or where the stocking of forest is very poor, the unit will be 5 acres per cow. The latest cattle census figures may be taken as the basis of determining the maximum number. The season open to grazing may also be specified.

While admitting the cattle for grazing, the Forest Settlement Officer will keep in view the scale and note his opinion whether the forest can stand the burden and give his suggestion.

(3) *Right of grass cutting*.—This right is not recognized for the purpose of stock above the actual domestic requirements. As the grass is cut and brought from the forest in head-loads only for milch cows and buffaloes or calves or oxen, the number of head-loads may be determined at the rate of one head-load for two cows or for one buffalo or for a pair of oxen or for four young calves per day. The season may also be specified during which head-loads of grass may be cut. For estimating the quantity, 100 head loads per year per family may be taken as a rough guide. The period closed to grazing or grass cutting should be specifically mentioned.

(4) *Right of litter and of lopping*.—The definition will consist in describing the nature of right. As to lopping if for fodder, the kind of trees and the places where it can be exercised should be defined. This should be permitted only if it has been long standing practice. Lopping is generally for (1) milch buffalo e.g., leaves of *Kharki-Karyali* etc., (2) young ones of goats and sheep who cannot go out for grazing. As to the former one head-load such green leaves for one milch buffalo and for the latter one head-load for a herd of fifty heads may form the basis for determining the quantity per day.

At places where pine-twigs are collected for thatching the number of head-loads may be ascertained by examining the need of the right-holder, roughly, five head loads per year should suffice for thatching a shed for 10 cattle-heads. The species of trees as well as the extent to which leaves may be removed should be defined. Loppings of branches of broad leaved species upto one inch girth and upto lower $\frac{1}{2}$ of their crown may be allowed.

(5) *Right to collect minor produce.*—Right to collect minor forest produce consists of collection of gums and resin, wax and honey, hides and horns, wood oil, medicinal herbs, flowers and leaves, fruits and seeds, bark, fibre, clay, sand gravel, lime stone pebbles, slate etc.

The produce will be removed only to the extent of personal bonafide requirements.

(6) *Right of hunting and fishing.*—Such rights do not exist, except for the Rulers of the former States. These rights are governed by the terms of the privileges recognised separately in each case by the Government.

18. *Guiding principle.*—All these rights and concessions are meant for the satisfaction of personal bonafide requirements and subject to the condition that forests are to be maintained in perpetuity. The right of user or easement is always a limited one, it can never extend so as to destroy the servient estate. The right exists so long as the (servient) property is safe or continues to exist, because if the (servient) estate ceases to exist, the right ceases with it.

So while dealing with the claims, the Forest Settlement Officer should see that the forests are not unduly burdened.

19. After the issue of a notification under section 4, no fresh clearing for cultivation or for any other purpose shall be made in the land included in the said notification:

Provided that the Collector may with the previous concurrence of the Chief Conservator of Forests permit such clearings for rehabilitating displaced persons and land-less tenants and for irrigation projects.

PART VI

PROTECTED FORESTS

20. (i) Usually all such Government forest lands or waste lands which are burdened with rights and the protection of which is necessary are constituted as Protected Forests. An inquiry into the existing rights under section 29 of the Indian Forest Act, in such forests need not be as elaborate as in the case of the Reserved Forests.

(ii) After the notification under sections 29, 30 which shall be in Form 'K', is published, the procedure prescribed in that notification shall be followed but where the procedure has not been prescribed, the procedure prescribed in rules 6, 7, 8, 9 and 10 (ibid) will be followed subject to the conditions that the procedure adopted will be summary in nature and for every forest only one file need be maintained which will contain the documents as enumerated in Rule 8(a).

(iii) As soon as the notification under section 29-30 of the Act, has been published in the Official Gazette, the Forest Settlement Officer shall arrange its publicity by the beat of drum and by affixing a copy thereof at a conspicuous place in the forest as well as in the adjoining villages, the inhabitants of which usually enjoy rights in the said forest.

(iv) As soon as practicable, after the publicity of the notification under sections 29, 30 of the Act, the Forest Settlement Officer shall issue and arrange service of a proclamation in Form 'L' in such villages having rights inviting claims or objections of the right-holders pertaining to their rights in the said forests, copies of which should also be sent to the Divisional Forest Officer, Tehsildar and the President, Gram Panchayat concerned, and hold inquiry into the rights in the neighbourhood of the concerned Protected Forest and by recording evidence as might be produced by the parties or which in his own view is relevant to the issue. In this inquiry he shall take necessary steps to arrange representation of the Forest Department also.

(v) This inquiry need not be as elaborate as called for under parts IV and V of these rules, but the existing claims and rights of the individuals or communities hitherto enjoyed in the forest will be ascertained and determined and an abstract thereof prepared in the annexures of Form 'G'.

21. When the inquiry is completed, the Forest Settlement Officer shall forward the following papers to the Chief Conservator of Forests:—

- (i) Summary report of the proceedings.
- (ii) Abstract of existing rights of individuals or communities as prepared under rule 20 (v).
- (iii) Sketch map and boundary description of the forest.

22. (1) A proposal for final notification will be prepared by the Forest Settlement Officer in the Schedule hereto appended which will also include the boundary description as mentioned above.

(2) On receipt of the above papers the Chief Conservator of Forests will submit the same to the Government for issuing a notification under sub-section (1) of section 29 of the Act, which shall be in the form 'M'.

PART—VII

MISCELLANEOUS

23. The Divisional Forest Officer or their nominees are authorised to appear, plead and act on behalf of the Government before the Forest Settlement Officer or the appellate authority in the course of any inquiry or appeal pertaining to their respective areas under section 19 of the Act.

FORM—'A'

(*Vide Rule 5 (iii)*)

Whereas the forest land or the waste land specified in the schedule appended hereto are the properties of the Government or the Government has proprietary rights therein or the Government is entitled to the whole or any part of the forest produce thereof;

And whereas the Government proposes to constitute the aforesaid forest land or waste land as Reserve Forest under section 3 of the Indian Forest Act, 1927.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Lieutenant Governor (Administrator) hereby declares that it has been decided to constitute said land as Reserved Forest and further appoints the Forest Settlement Officer to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest produce and to deal with the same as provided in Chapter II of the said Act.

THE SCHEDULE

(Note.—The description of the boundary under section 4(1)(b) should be such that it can be located on ground with reasonable accuracy. It shall be sufficient to describe the limits of the forests by roads, rivers and ridges or

other well-known or readily intelligible boundaries).

Sl. No.	Name of the forest	Name of the Tehsil	Name of the District	Boundaries	Remarks
1	2	3	4	5	6

By order of the Lieutenant Governor,
Secretary (Forests) to
Himachal Pradesh. Government.

FORM 'B'
[Vide Rule 8(a)(i)]
KHASRA BANDOAST

Name of Village	Tehsil.....	District.....		
Khasra number	Area	Soil class	Name of owner or tenant if any	Remarks
1	2	3	4	5

FORM 'C'
[Vide Rule 8(a)(ii)]
GENERAL STATEMENT REGARDING FOREST (NAME AND NUMBER)

- No. of the Forest.
- Name of the Forest.
- Name of the Range.
- Name of Tehsil.
- Name of the District.
- Area of the Forest.
- Number and date of the Rajpatra wherein published.
- Description of demarcation line and number of pillars fixed on the spot and running line.
- Neighbouring villages.
- Area of respective villages included in the Forest.
- Total of the village-wise area.
- Area outside the forest in particular village left. out for free grazing.
- What is the practice for taking particular type of timber and fire-wood?
- The number of the cattle of the villages having sites in the Forest.
- Any religions place inside the Forest.

FORM 'D'
[Vide Rule 8(a)(iii)]
LIST OF WAYS AND PATHS OPEN TO PUBLIC THROUGHOUT THE YEAR

Serial No.	Name of forest	Name of ways or paths	Details of the ways or the paths	Remarks
1	2	3	4	5

FORM 'E'

[Vide Rule 8(c)(iv)]

LIST OF RELIGIOUS PLACES

Serial No.	Name of forest	Name of religious place	Details of religious place	Name of the route which leads to religious place	The date of the Puja and Fair, if any	Area left out for religious worship and other related activity	Remarks
1	2	3	4	5	6	7	8

FORM 'F'

[Vide Rule 8(b)]

SUMMARY REPORT OF THE FOREST SETTLEMENT OFFICER
To

.....

.....

.....

Subject.—Final notifications under section 20 of the.....pertaining
to Forest No.....in Range.....District.....

A preliminary notification for declaring the aforesaid Forest as Reserved Forest under section 4 of the Indian Forest Act, was issued by the Himachal Pradesh Government vide Forest Department Notification No....., dated....., published in the Himachal Rajpatra dated.....

Under section 6 of the Act a proclamation in the adjoining villages of the Forest was issued for inviting objections within a period of three months.

The Forest Settlement Officer heard the objection on the spot and decided the cases. The decisions on each files are appended.

Period for filing objections is over and no appeal under section 17 of the Act is pending with the Appellate Authority.

The final draft under section 20 of the Act along with a statement of Rights and Concessions and a map is enclosed for approval and publication in the Official Gazette.

Signature of Forest Settlement Officer.

FORM 'G'

[Vide Rule 8(d)]

NOTIFICATION

(Under section 20)

Dated Simla, the , 196

No..... Whereas it was proposed by Notification No....., dated....., to constitute the land specified below as Reserved Forest under the Indian Forest Act (Act XVI of 1927).

And whereas the period fixed by the said Act for the presentation of claims to rights in these lands has expired and all claims, if any, made have been disposed of.

And whereas the period for appeal from the orders passed on the said claims has elapsed and all appeals presented within such period have been disposed of; and whereas all lands, if any, acquired for inclusion in the proposed forest, have become vested in the Government under the law of compulsory acquisition;

Now, therefore, in exercise of the powers conferred by section 20 of the said Act, the Lieutenant Governor, (Administrator), Himachal Pradesh does hereby declare the said land to be Reserved Forest with effect from the date of this notification subject to the provision that the villages named hereinafter shall have no rights/continue to have the said rights to the extent appearing in the abstract list (1) and enjoy no concession/concessions to the extent appearing in the abstract list (2) at such seasons within such portions of the said forests and under such rules as may from time to time be prescribed by the Government.

By order of Lieutenant Governor,

Secretary (Forests) to
Himachal Pradesh Government.

District	Tehsil	Specification of Land Mauza	Approximate area	Remarks
1	2	3	4	5

BOUNDARY DESCRIPTION OF FOREST

Serial No.	From pillar No.	To pillar No.	Distance in chains and links	Direction	Nature of boundary line to next pillar
1	2	3	Chains Links 4	5	6

Note —(1) Chain is equal to 5 Karams or 23 feet 4 inches or of any other length as recognised by the Revenue Department.
(2) Measurement herein is of measurement on the ground.

ANNEXURE OF FORM 'G'
[Vide Rule 10 (b)]

प्रसाधारण राजपत, हिमाचल प्रदेश, १५ दिसम्बर, १९६६/२४ अग्रहायण, १८८८ ५८७

The abstract list (1) of..... in Forest..... Range..... Tehsil.....
District..... Division.....

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42
Number or name of forest in which or any part of which these rights can be exercised	Name of Mauza	Names of villages having rights	Number of houses	Population	Number of families	Number of ploughs	Number of cattle admitted to free grazing	Dwelling	Houses	Timber for building in cft.	Cattle sheds (Misc. wood)	Wood for agricultural implements (cubic ft. in the round per annum)	Firewood from fallen wood (in head-loads per annum)	Charcoal for agricultural implements (in head-loads per annum)	Wood for cremation of dead bodies or Arthi	Wood for Kohlu & Ukhal Musal and Moi (Suhaga)	Wood for Gharat (water mill)	Wood for repairs of Kuhl	Misc. under wood Brushes etc. for fencing	Fodder Grass	Fodder grass for sale	Grass for thatching	Green leaves for fodder	Dry leaves for manure	Green leaves for manure	Bark of trees and creepers for tanning	Bark of trees and creepers for medicines etc.	Bark of trees and creepers for ropes	Side branches of Dhaman tree for ropes	Fruits and roots	Bamboos (in score per annum)	Stones for building	Slates and stone for Gharat	Sand, clay and lime stone for domestic use	Roads and ways	Irrigation channels	Water for mills	Fishing	Burning ghats	Wild honey	Water for drinking for human beings and animals

ANNEXURE OF FORM 'G'

[Vide Rule 10 (b)]

The abstract list (1) of Concession in

ForestRange.....Tehsil

District.....

Division.....

1	Number or names of forests in whole or any part of which these concessions can be exercised	2	Name of Pati or Mausama	3	Name of villages having concessions	4	Name of houses	5	Population	6	No. of families	7	Number of ploughs	8	Number of cattle admitted to free grazing	9	Dwelling Houses	10	Cattle sheds (Misc. wood)	11	Wood for agricultural implements on (cubic ft. in the log)	12	Firewood, from fallen wood (in head-loads per annum)	13	Charcoal for agricultural implements (in head-loads per annum)	14	Wood for cremation of dead bodies or Arthi	15	Wood for marriages	16	Wood for Kohlu & Ukhul Musal & Moi (Suhaga)	17	Wood for Gharat (Water Mill)	18	Wood for repairs of Kuhl	19	Misc. under wood brushes etc. for fencing	20	Fodder grass for sale	21	Fodder grass for ropes	22	Grass for thatching	23	Grass for fodder	24	Green leaves for manure	25	Dry leave for manure	26	Green leave for manure	27	Bark of trees and creepers for Medicines etc.	28	Bark of trees and creepers for tanning	29	Bark of trees and creeper for ropes	30	Side branches of Dhaman tree for ropes	31	Fruits and roots	32	Bamboos (in score per annum)	33	Stones for buildings	34	Stones for Gharat	35	Sand, clay & lime stone for domestic use	36	Water for drinking for human beings and animals	37	Roads and ways	38	Irrigation channel	39	Water for mills	40	Fishing	41	Burning ghats	42	Wild honey
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DESCRIPTION OF RIGHTS/CONCESSIONS

FORM 'H'
[Vide Rule 9(b)]
REGISTER 'A'

REGISTER OF CLAIMS PREFERRED TO LANDS, RIGHTS TO FOREST PRODUCE OR EASEMENTS IN THE PROPOSED RESERVED FORESTS

Serial No.	Names of claimants	Description and address of claimants	Date of presentation of claims	Nature and extent of claims preferred	No. in Register 'B'	Remarks
1	2	3	4	5	6	7

FORM 'H'
[Vide Rule 9(b)]
REGISTER 'B'

REGISTER OF CLAIMS TO LANDS, RIGHTS TO FOREST PRODUCE OR EASEMENTS IN THE PROPOSED RESERVED FOREST

Serial No.	Name of claimants	Date of presentation of claims	No. of claim in Register 'A'	Nature and extent of claims preferred	Brief summary of evidence adduced in support of claims	Brief summary of the Divisional Forest Officers' arguments & evidence produced by him	Brief abstract of decision of the Forest if any, of Settlement court of final appeal settlement	Remarks	
1	2	3	4	5	6	7	8	9	10

FORM 'I'
(Vide Rule 7)

FOREST SETTLEMENT OFFICER.....

Khasra Had-Bast....., Block....., Range.....
Forest Division....., Tehsil....., District.....

Serial No.	Name of village adjoining the block	Number of survey station with distance	Name of the pillar	Distance or Chanda Line from which off- set taken	Off-set		Distance from pillar to pillar	Remarks
					Right	Left		
1	2	3	4	5	6	7	8	9

FORM 'J'

[Vide Rule 11(1) c]

OFFICE OF THE FOREST SETTLEMENT OFFICER
NOTIFICATION

(Under section 6 of the.....Act)

Whereas a notification under section..... to constitute the land specified below as Reserved Forest has been issued by the Government and published in the Official Gazette No..... dated..... Now under section 6 of the said Act, I Forest Settlement Officer..... do hereby publish and explain the following consequences which ensue on the reservation of this Forest:—

- (1) No fresh clearing or breaking of land for cultivation or any other purpose will be conducted.
- (2) No fire will be kindled, kept or carried.
- (3) No felling or burning of a tree or removing of bark or any other kind of damage will be caused to the trees.
- (4) No trespass by any person or cattle will be done.
- (5) No quarrying of stone, burning of lime or charcoal or collecting, subjecting to any manufacturing process or removing of any forest produce will be performed.
- (6) No hunting, shooting or fishing, poisoning of water or setting traps or snares will be done.

It is, therefore, notified for the information of all concerned that any person claiming any right in or over the land or forest produce may within a period of 3 months from the date of this proclamation either present to me a written notice or appear before me and state the nature of such rights and the amount and particulars of the compensation (if any) claimed in respect thereof.

No claim will be entertained after the expiry of the stipulated period.

*Signature of the
Forest Settlement Officer.*

FORM 'K'

[Vide Rule No. 20(ii)]

Whereas the forest land and waste land shown in the First Schedule appended hereto are the properties of the Government or the Government has proprietary rights therein or the Government is entitled to the whole or any part of the forest thereof;

And whereas the Government proposes to declare aforesaid forest land and waste land as Protected Forest under sub-section (1) of section 29 of Indian Forest Act, 1927;

And whereas the nature and extent of rights of Government and of private persons in or over the aforesaid land have not yet been recorded in any manner;

And whereas the Lieutenant Governor (Administrator) further thinks that an inquiry into and record of the nature and extent of the rights of the Govern-

ment and the private persons in or over the aforesaid forest land or waste-land are necessary but they will occupy such length of time as in the mean time to endanger the rights of the Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 29 of the Indian Forest Act, 1927, the Lieutenant Governor (Administrator) does hereby appoint..... the Forest Settlement Officer to inquire into and record the rights of the Government and of private persons in or over the aforesaid forest land or waste land and such inquiry and record shall be made in the manner as far as practicable provided in part VI of the Himachal Pradesh Forest Settlement Rules, 1966 and during such inquiry the Forest Settlement Officer shall exercise any or all the powers under section 72 of the Act as may be necessary;

And in further pursuance of the powers conferred by proviso to sub-section (3) of section 29 of the said Act, the Lieutenant Governor, pending aforesaid inquiry and record, does hereby declare the said forest land and waste-land to be Protected Forest but not so as to abridge or affect any existing rights of individuals or communities;

And in pursuance of the powers conferred by section 30 thereof the Lieut.-Governor (Administrator) further declare that the trees shown in the Second Schedule appended hereunder, in the said Protected Forest are reserved with effect from the date of publication of this notification in the Gazette and prohibits from the aforesaid date the quarrying of stone or burning of lime or charcoal or the collection or subjection to any manufacturing process, or removal of, any forest produce in the said forests, and the breaking up or clearing for cultivation or for building, for herding cattle or for any other purpose, of any land in the said forest.

SCHEDULE I

Range....., Division..... Tehsil....., District.....

Serial No.	Name of forest	Muhal	Khasra Nos.	Area in acres	Cardinal boundaries
1	2	3	4	5	6

SCHEDULE II

LOCAL AND BOTANICAL NAMES OF TREES RESERVED

.....

By order of Lieutenant Governor,

Secretary (Forests) to
Himachal Pradesh Government.

FORM 'L'

Vide Rule 20(iv)

OFFICE OF THE FOREST SETTLEMENT OFFICER
PROCLAMATION

As notification under section 29 of the Indian Forest Act, 1927, to constitute the land specified as Protected Forest has been issued by the Government and published in the Himachal Rajpatra No..... dated....., and further in pursuance of the powers conferred by section 30, the trees shown in the Second Schedule have been reserved and quarrying of stone, burning of lime or charcoal, removal of any forest produce breaking up or clearing for cultivation or for buildings etc., have been prohibited but not so as to abridge or affect any existing rights of individuals or communities, I....., Forest Settlement Officer hereby notify for the information of all concerned that any person claiming any right in or over the land or forest produce may within a period of 3 months from the date of this proclamation either present to me a written notice or appear before me and state the nature of such rights and claims in respect thereof.

No claim will be entertained after the expiry of the stipulated period.

*Signature of the
Forest Settlement Officer.*

FORM 'M'

Vide Rule 22(2)

Whereas the nature and extent of the rights of the Government and of private persons in or over the forest land and waste land comprised in the schedule hereto appended have been inquired into and recorded in accordance with the Notification No.....dated..... issued under sub-section (3) of section 29 of Indian Forest Act, 1927.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 29 of the said Act, the Lieutenant Governor (Administrator) does hereby declare that the provisions of Chapter IV of the said Act shall apply to the said forest land and waste land which shall hereafter be called a Protected Forest.

THE SCHEDULE

LIST OF FORESTS RECOMMENDED FOR FINAL NOTIFICATION
Range....., Division....., Tehsil.....,
District.....

Serial No.	Name of Protected Forest	Muhal	Khasra numbers	Area in acres	Cordinal boundaries
1	2	3	4	5	6

By order,
V. P. AGARWALA,
Secretary.

